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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/341,379 07/09/99 AISA

V MERL0060US

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EXAMINER

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ART UNIT

PAPER NUMBER

1761

3

DATE MAILED:

06/15/00

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.

09/341,379

Applicant(s)

Aisa

Examiner

Drew Becker

Group Art Unit

1761



☒ Responsive to communication(s) filed on Aug 11, 1999

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claims

☒ Claim(s) 1-17 is/are pending in the application.

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

☐ Claim(s) \_\_\_\_\_ is/are allowed.

☒ Claim(s) 1-17 is/are rejected.

☐ Claim(s) \_\_\_\_\_ is/are objected to.

☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☒ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been  
☐ received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_.

☒ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_

☐ Interview Summary, PTO-413

☒ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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## **DETAILED ACTION**

### ***Claim Objections***

1. Claims 1 and 17 are objected to because of the following informalities: the phrase "characterized in that" is underlined. Appropriate correction is required.
2. Claims 5-16 are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim should refer to other claims in the alternative only and cannot depend upon from any other multiple dependent claim. See MPEP § 608.01(n).

### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
4. Claims 1-17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claims 1, 12-13, and 16-17, the phrases "such as", "in particular", "or the like", and "characterized in that" render the claims indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

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5. Claim 14 recites the limitation "said optional device" in line 4. There is insufficient antecedent basis for this limitation in the claim.

6. The terms "basic programs", "additional programs", and "management programs" in claims 1-17 are relative terms which render the claims indefinite. The terms "basic programs", "additional programs", and "management programs" are not defined by the claims, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. It is not clear how the 3 types of programs are differentiated from one another and what types of functions are controlled by each type of program.

7. The phrases "which can be selected", "being able to perform", "for enabling said apparatus to perform", and "being possible" used in claims 1 and 17 do not positively define method steps or functional elements but rather potential or possible scenarios and components.

### ***Claim Rejections - 35 USC § 102***

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

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9. Claims 1-11, 13, and 17 are rejected under 35 U.S.C. 102(e) as being anticipated by Harris [Pat. No. 5,764,114].

Harris teaches a control system and method of using the control system to cook foods comprising a control panel (Figure 1, 18-19), a remote control (Figure 1, 22), a local transceiver (Figure 1, 24), a controller (Figure 1, 25), the remote control having a display and keypad (Figure 1, 26 & 28), the controller optionally being in a computer or television (column 3, line 55), the controller possessing memory and a microprocessor (column 3, line 13), pre-existing programs (Figure 9, 112), the ability to input cooking parameters or modify the pre-existing programs (Figure 9, 114; column 7, line 62 to column 8, line 14), the remote control and transceiver communicating by infrared signals (column 4, line 5), the remote control monitoring and modifying the time and temperature (column 3, line 57 to column 4, line 4), and the cooking program and parameters being transferable from one heating element to another (column 6, lines 61-67).

***Claim Rejections - 35 USC § 103***

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 12 and 14-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Harris.

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Harris teaches the above mentioned concepts. Although not specifically recited, it would have been obvious to one of ordinary skill in the art that the control system of Harris would include a data bus since the system must control multiple heating surfaces simultaneously and interchangeably, thus necessitating a data bus in the controller of Harris. It would have been obvious to one of ordinary skill in the art to use a support such as a computer disk with the invention of Harris since Harris teaches the use of a computer (column 3, line 55) and since disks are a common means of storing and transferring information with computers.

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. DE 4039465A, Longabaugh [Pat. No. 4,636,949], England [Pat. No. 5,299,113], GB 2251960A, EP 0298625A2, EP 0482578A1, Knepler [Pat. No. 5,375,508], FR 2633482A, and Waigand [Pat. No. 4,849,597] teach control systems and methods of use.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Drew Becker whose telephone number is (703)-305-0300. The examiner can normally be reached on Monday-Thursday from 7:00 am to 4:00 pm and every other Friday from 7:00 am to 3:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gabrielle Brouillette, can be reached on (703)-308-0756. The fax number for this Group is (703)-305-3602.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0661.

Drew Becker

June 12, 2000

  
KEITH HENDRICKS  
PRIMARY EXAMINER